

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

ERIC WILBURN,

Petitioner,

v.

SUPERINTENDENT,

Respondent.

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Case No. 3:16-CV-107 JD

OPINION AND ORDER

Eric Wilburn, a pro se prisoner, filed a habeas corpus petition challenging the prison disciplinary hearing (ISO 16-01-0009) that was held at the Indiana State Prison on January 27, 2016, where the Disciplinary Hearing Officer (DHO) found him guilty of Refusing to Submit a urine sample for a drug test in violation of B-203. As a result, he lost 15 days earned credit time. In response, the respondent filed a motion to dismiss arguing that “[b]ecause the finding of guilt and sanction affecting the duration of confinement have been vacated, Wilburn’s habeas petition is moot and this Court lacks a live case or controversy to adjudicate.” DE 4 at 2. The Respondent also attached documentation showing that the sanctions have been vacated and the credit time restored.

Wilburn agrees that ISO 16-01-0009 has been vacated and the earned credit time for this proceeding has been restored. However he argues that he has been found guilty of refusing to submit a urine sample on other dates in different prison disciplinary proceedings and that those sanctions remain. He believes that they should be overturned for the same reasons that this one was overturned. However, this case is only about ISO 16-01-0009. If Wilburn wants to challenge other disciplinary proceedings, he needs to file a separate habeas corpus case for each one of them.

He cannot challenge them in this case. Copies of the court's form for challenging a prison disciplinary hearing are available in the prison law library. Wilburn also argues that it is a civil rights violation to require him to provide a urine sample because he is physically incapable of doing so. However, this is a habeas corpus case, not a civil rights case. If Wilburn wants to pursue a civil rights case, he can obtain a copy of the court's approved prisoner complaint form from the prison law library. He cannot litigate civil rights claims in this habeas corpus case.

Because the parties agree that the finding of guilt in ISO 16-01-0009 has been vacated and the earned credit time restored, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003). For the foregoing reasons, the motion to dismiss (DE 4) is **GRANTED**, and this case is **DISMISSED**.

SO ORDERED.

ENTERED: May 26, 2016

/s/ JON E. DEGUILIO  
Judge  
United States District Court